



Memorandum

TO: Honorable Mayor and City Council

FROM: Councilmember Ken Yeager

SUBJECT: SEE BELOW

DATE: September 15, 2005

APPROVED:

DATE:

9-16-05

SUBJECT: Adoption of a resolution urging Governor Arnold Schwarzenegger to sign Assembly Bill 849

RECOMMENDATION:

I recommend that the City Council adopt a resolution urging Governor Arnold Schwarzenegger to sign Assembly Bill 849 (AB 849), The Religious Freedom and Civil Marriage Protection Act. Furthermore, the City Attorney shall draft this resolution and forward it to the Governor's Office as soon as possible, but prior to Friday, September 23.

BACKGROUND:

On September 6, 2005, the California Legislature passed AB 849, by Assemblymember Mark Leno, which would redefine civil marriage in California as a contract between two persons, making marriage gender-neutral and thereby permitting same-sex marriages in the State. The entire Santa Clara County State Legislative Delegation voted in favor of AB 849.

The Governor's Office announced the intention to veto AB 849 on September 7. AB 849 is scheduled to reach the Governor's desk on Friday, September 23. Before this date, supporters of civil marriage equality have an opportunity to change the Governor's mind.

DISCUSSION:

The City of San Jose has historically been a champion of equality. The City's harassment policy includes protections for race, color, ethnicity, national origin, disability, age, sex, marital status, sexual orientation, and religion, and was recently amended to include protections for gender identity.

The City Council has voted to waive fees charged on property transfers for same-gender couples, just as it does for opposite-gender couples. Gay and lesbian domestic partners living in San Jose no longer have to pay fees not charged to married couples. Just last month, the City Council passed an ordinance to implement retirement benefits for domestic partners.

A resolution from the City of San Jose urging Governor Schwarzenegger to sign AB 849 is consistent with the City's strong record on equal rights and will serve as an important factor in helping the Governor change his mind and sign The Religious Freedom and Civil Marriage Protection Act.